R. S 68]

Previous references.

Mel 429-09 (1-4)

BR 132 of 1896

1910

(Municipal)

P15"

File No 155 A 4/10

Serial Nos 1-4

Later references

Mel 167-11 3/10-27

Mel 77-14 BR 44, 45, 46+47 69, 75+88

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Part B for March, 1911

SUBJECT

Construction of shops on the east of Mr Janopakari Doddanna Shett School in the Bangalore City

from the Presidt, Bangalore City, Mun.l Council, no 976 & 10.4

Submits for orders a copy of the Vice Presidt's that Mr Janopakari Doddanna Shetty has built set of shops in the line of the compound wall of this School, without obtaining licence fro Municipality.

To Do, no 5118 & 12 12.10 Draws his attention to defects in the action taken by the Mun.l Court in the matter and observes that it was open the Mun.l Council to refuse or grant per

GRS 11 ] 1907.

GENERAL AND REVENUE SECRETARIAT

(Municipal)

NOTES

File No 155-1910

FILE HEADING

Construction of shops on the east side of Mr Jaugalakare Doddamashetty's School in the Bangalore city la

From

The President, Bangalore City Municipal Council

No 97 Dated 6 10 1910 Received 8 10 1910

| Diary No 2468 | Enclos 3 | Spare Copies | Serial No 1 |
|---|---|---|---|

BRIEF ABSTRACT OF LETTER

Submits for orders a copy of the Vice-President's report that Mr. Jaugalakare Doddamashetty has built a set of shops in the line of the compound wall of his school, without obtaining license from the Municipality

NOTES AND ORDERS

For previous history of the case please see Municipal File No. 627-09.

2. It will be seen therefrom that the question of granting permission to Mr Jaugalakare Doddamashetty for constructing a set of shops, was ordered

Notes—First sheet

Serial No

to be deferred pending the completion buildings connected with the school itself for which a heavy grant-in is being given It is now reported the construction of the shops has been already completed and that only remains to be done Our requests permission to complete this also

3. Submitted for orders

Obn of 4 Secy) 20 10 10 21'

C/C 10/10 5 Mr Doddanna Setti appears to have adopted a very unsatisfactory in this matter. The building shops is perhaps intended secure a permanent income the institution school, but the erection of shops in close proximity to the school is open to several objections & ought not to have been started without the express sanction of Govt- who have promised a large grant to the school for its extension &c &c

5 The failure to secure a license from the municipality is also another matter which Mr Doddanna has ought

a matter I dealt with the Edn dept- necessary the may be withdrawn

NOTE—Contn sheet

Serial No.

which first have asked in a special manner. If the erection of the shops is prejudicial to the well-being of the institution it will be open to first to withdraw the grant & to take other steps that may be suitable to mark their disapproval.

Dewan through 1st 2 docs

CBB 20/10/10 2

2nw 27.10.

1104 28 10 10

I have nothing to add to the above remarks

KBM 27/10/10

668

The matter refers apparently to the Municipal Department exclusively at this stage. 28-10

31/10/10 HJ

8519 3.11.10

11 Dewan

Mr. Chief Secretary to the President the letter above noted in the margin & with respect to what is stated in the Police

After noting the

Note—Contd. on back

GPS—19.6m.—12-4-10

Secretariat — File No 155 of 1910 — 5

Serial No

I will say what I may needs be done on the file to effect a part of the case — Meanwhile I have requested Mr Peet to watch the Rent matter for the Ind School — The Govt Solr Bombay says that part in instalments is equally convenient and in Govt precedent

S Nov 10

12 Please address Mr Pritchard

13 Put up draft 7/11/10 Mlle

14 Draft put up Obrl 10/11/10

15 Draft submitted, for approval 16/11/10 Mlle

1352 / 19/11/10

16 The draft goes beyond what was intended to be said in reply Please revise

Secretary 19/11/10

17. As at folio iv

Please revise the draft as above

18 A fresh draft is submitted Obrl 24/11/10

19 Secy) 25/11/10 Mlle

[ E S. 12 ]
General and Revenue Secretariat.

File No. V of 19

| Serial No. | |
|---|---|
| | 20 The draft as revised may be approved. (sd) GBS 3/12/10 |
| 1546 7.12.10 | 21 Draft approved GBS 7/12/10 |
| | 22 Issue GB 7/12/10 Wll 7.12.10 |
| | 2. To the President, Bangalore City Municipal Council. No. 5118 & 12-12-1910 |
| | 23 Draws his attention to the objections in the action taken by the municipal authorities in the matter and observes that it was open to the Municipal Council to refuse permission or grant it with such modification as they considered necessary. |
| | 3. From the octroi officer. No. 193 & 9-2-1911 |
| | He states that in the ordinary course there would have been no objection to the grant of the toddy license to Mr. Doddamarchetty, but that as such a grant would have clashed with the G.O. directing the construction of |

1 Post. – Contn. sheet

APH—(5611)—12-9-10

Serial No

compound wall, the orders of Govt were sought for in the matter

28 The President also states that the rules are not applicable to the present as Mr. Doddanna Setty's school is a public institution and as the latter has executed a special agreement, at the time when the site was granted to him, to the effect that he would not utilize the land for before obtaining the permission of the Municipality

26 Submitted for orders.

27 The explanation offered is that the orders of Govt were sought because the erection of shops where a compound wall should have been put up was considered as not being quite in accordance with the order of Govt, dated 12th June 1909.

28 I can find no support for the President's contention that the procedure laid down in section 96 of the Municipal Regulation is not applicable in the case of public institutions

G. R. S. 12 ]
General and Revenue Secretariat.

File No. 165 of 1911.

| Serial No. | |
|---|---|
| | 29. This shops have apparently been constructed already & before the matter concerned here seems to be the objection to the erection of the shops. So the letter may be recorded. 1st Dy Secy [illegible] |
| 2119 20-2-11 | 31. I agree [illegible] 20/2/11 [illegible] |
| 10442 6-3-11. | 32. [illegible] 4/3/11 33. I agree [illegible] |
| | 34. Issue under sending [illegible] 5/3/11 |
| | 35. Put up draft [illegible] 15 3 11 [illegible] |
| | 36. Draft put-up. [illegible] 37. Issue 23/3/11 23 3 11 [illegible] |
| 4 | 38. To the President, Bangalore City Municipality No 8001/B, 27.3.11. Records the correspondence [illegible] |

Note.—Contd sheet.

From

The President,
City Municipal Council
Bangalore.

To

The Secretary to the
Government of Mysore,
General & Revenue Departts.

Dated 6th Bangalore

Despatched 7th October 1910

Received

General No. 97
No

Enclosure No

---

Submitting, for orde
a copy of the Vice Presi-
dent's Report, dated the 26
ultmo, in the matter of
Mr Jaspeteen Doddé-
Sellip building a set of
shops in the line of the
compound wall of his
School, without licence
from the Municipality

$ 2

No. 97
Encl. Three

Office of the Municipal Council,
Bangalore City, 6th October 1910.

From

mb 155-10/811

The President,
City Municipal Council, Bangalore.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments, Bangalore.

Sir,

With reference to Government Proceedings No. 2057/Ml. 427-09-2 dated the 31st August 1910, passing orders in the matter of Mr. Janopakari Doddanna Setty's application for permission to build a set of shops in the line of the compound wall on the east side of his school. I have the honour to submit herewith, for the information and orders of Government, a copy of the Vice President's report dated the 26th Ultimo- from which it will be seen that Mr. Doddanna Setty, having made previous arrangements for the construction of the shops, placed himself beyond the reach of any communication from this office and set his men to push on with the work vigo-rously without license from the Municipality. The building work is under progress without interruption.

2. The Registered cover, containing the intimation of the Government Order sent to Mr. Doddanna Setty which was returned to the Municipal Office owing to the non-delivery to the gentleman as also copy of orders issued to stop further progress of work together with that of Mr. Doddanna Setty's reply thereto are submitted for kind information.

I have the honour to be

Sir,

Your most obedient servant,

President.

Memorandum

Janopakari Mr Doddanna Setty, on 17-11-1909, applied to the President for license to build a set of shops in the line of the compound wall of his school on the side of the Kalasipalyam Road as per plan submitted by him

The President forwarded the petition to the Vice President on 18/22nd November 1909

On the 8th February 1910, the Vice President referred the application to the Health Officer for opinion The Health Officer returned it on the 26th February, recommending the license It was submitted to the President for approval on 2nd March 1910 On the same date, the President passed orders thereon, calling on the Municipal Engineer for a sketch shewing the Kalasipalyam Road and the eastern compound wall of the school with the site where the shops were proposed to be built, noting measurements

The Municipal Engineer submitted the sketch called for on 7th April 1910, and reported that the proposed shops occupied a few inches of Municipal land in front as shewn in the sketch in red line

On the 29th April, the President remarked on the Engineer's report that as the subsequent proposal of Mr Doddanna Setty to build shops where he should have built a compound wall clashed with the Government Order received in the matter of constructing a decent compound wall, a recommendation might be made to allow Mr Doddanna Setty to build the shops as proposed, as there seemed to be no objection to it

On the 14th May 1910, the above papers together with the plan and application of Mr Doddanna Setty were sent up to Government with a recommendation to grant the permission applied for

The Government passed orders on the 31st August 1910, observing that after the buildings connected with the school were completed and if the space was found to be available, commercial undertakings of the kind now recommended might be considered.

In the meantime, Mr. Doddanna Setty, without waiting for the permission applied for by him, started the work.

The purport of the Government Order was communicated to Mr. Doddanna Setty by an Endorsement on 3-9-1910 thro' the Conservancy Overseer of the Division as usual. The Overseer returned the Endorsement on the 9th September, with a report that Mr Doddanna Setty was not in town and that his whereabouts could not be ascertained from his employers, that the latter at the same time, pushing on with the work vigorously, with a view to complete it soon, and that they did not care his orders to stop the work.

The Health Officer on the same day passed on the above report to the Vice President, with the remark that Mr. Doddanna Setty seemed to evade the service of the endorsement.

The Vice President then ordered the issue of the Endorsement by Registered Post.

The Municipal Engineer also made a report on the 13th September that Mr. Doddanna Setty raised the walls of his shops on the Hosur Road and put up a roof of Mangalore tiles on bamboo rafters contrary to the Government Orders received in the matter.&c.

When the whole matter was submitted to the President on the 14th September, the Municipal Engineer was called upon to report with a sketch that at what stage of construction each shop was, how many were built up, and how many were in course of completion Etc?

The Municipal Engineer has submitted his report under

date the 17th Instant with a sketch shewing that in place of 16 shops with 16 doors proposed, by Mr Doddanna Setty originally as per his plan, he has now put up 22 doors in all Out of these, 10 ten shops were temporarily roofed with Mangalore tiles on bamboo rafters Four others have merely bamboo rafters put up, while two shops have only walls built with door frames

It may be brought to notice that a Muchalika has been executed by Mr Doddanna Setty when the land for his school was originally granted to him by Government, one of the conditions thereof is "that he should not utilize the land "for any other purpose before obtaining permission from "the Municipality"

The proposal to build a set of shops required express sanction from the Municipality within the meaning of the term of the said Muchalika The mere submission of a petition for license to build shops does not, in my opinion, absolve him from the necessity of obtaining the actual permission before he started the building work He has therefore clearly violated the condition of the Muchalika

26th September 1910

Sd/- N Subba Rao,
Vice President

&&&&&&&&&&&&&&&&&

"C O P Y"

President

Copy

CITY

1-10-10

Dear Sir,

I am in receipt of your letter dated 30.9.10 and I am sorry to inform you that I am not in a position to accept your offer.

Thanking you,

Yours faithfully,

(Sd) K V Devakachanya

Girl Engineer
30.9.10

Sm
114
10

File No 155-10

G.R.S 26]

Serial No 2.

Diary No of letter replied to 2644 D.

No 5-118
ml 155-10-2
D 12.12.10.

General and Revenue Secretariat
( Municipal )
, the 19

To The President Bangalore City Municipal Counci

Date of issue 12.12.10

Signed by M. Krishna

Sir,

With reference to your letter No 97 dated 6th October 1910 submitting with refce to Govt. Progs No 2087 P 127-07-2 dated 31st August 1910, copy of the Vice-President's Memorandum reporting that Mrs. Jayapakara Doddamadhaty has constructed a set of shops in the line of the compound wall of his school without obtaining a licence

over

SUBJECT

~~re Municipality, I am directed to~~ draw your attention to the following defects ~~observe that the Municipality~~ action taken by the ~~has~~ Municipal authorities in the matter for any explanation that you may be able to furnish ~~is to blame for having allowed~~ ~~the sheds to be constructed. Section~~ ~~96 of the Bangore Municipal Regn. prescribes~~ the procedure to be adopted in cases in which notice is given by a person of his intention to erect a building.

~~of the Memorandum of the Vice-Pres~~ ~~ers that the procedure therein~~ ~~down was not at all followed and~~

~~the Municipal executive took~~ ~~period of six months after the~~ ~~receipt of Mr. Doddanna Shetty's~~ ~~application for a license, to ask for~~ ~~the orders of Govt. in the matter.~~ ~~I am to point out the above~~ ~~which is the principal objection~~ ~~to the case and to request~~ ~~that~~ orders of Govt in the matter may be awaited

* So far as the Municipality was concerned this was a matter regarding the orders of Govt. It was open to the Municipality to refuse the application or to grant it with modifications or to decide otherwise if necessary

List of Enclosures referred to in the margin

Copied by

Examined by

7/12/10

G.P.S.—20,000—12-5-10

1910-11

From The President,
City Municipal Council,
Bangalore.

To The Secretary to the
Govt of Fallipore, Gaol Dept.

Dated 9 & Depth Bangalore
Despatched 10 February 1911
Received

General No. 193
No.

Enclosure No. One

Furnishing further explanations re the proposed Doddanna Setty Layout & construction of a set of shops without license in the line of the compound wall of the school in the City.

---

155-Ba

114-Ba

T 5230 / '93
Encl. One

Office of the Municipal Council
Bangalore City, 9th February 1911.

Mn. 155-10
& 3

From

The President,

Municipal Council, Bangalore City.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

With reference to your letter No. 5118/Ml.155-10-2 dated the 12th December 1910, calling for further explana-tion in the matter of Mr. Janopakari Doddanna Setty having constructed a set of shops without license in the line of the compound wall of his school, I have the honour to state that after obtaining the opinions of the Health Officer and the Municipal Engineer in the usual course, I saw no objection to order the granting of the license applied for. But as the proposal of Mr. Doddanna Setty to build shops exactly in the place where he should have put up a compound wall clashed with the orders of Government already received regarding the construction of a decent wall around the school, it was considered expedient to report the matter for the sanction of Government.

2. The procedure laid down in Section 96 of the Municipal Regulation was not adopted in this instance, as Mr. Doddanna Setty's Free School is a Public Institution, and as such it was considered not amenable to the formalities laid down in the above Section. Moreover the applicant (Mr. Doddanna Setty) was bound up to the terms of the Special Agreement executed by him at the time when the site was originally granted

granted, one of the conditions thereof being

"That he should not utilize the land
"for any other purpose before obtain-
ing permission from the Municipality "

he Municipal Engineer's report is enclosed
n.

I have the honour to be
Sir,
Your most obedient servant,

President.

Copy of Report No 527 dated 13-9-1910 from the
Municipal Engineer, Bangalore City

---

Mr Janopakari Doddanna Setty has raised the walls o the proposed shops on the eastern side of his compound facing the Hosur Road and a temporary roof of Mangalore tiles on bamboo rafters is also put up But according to Govt Order No 2087/M1 427-09-2 dated 31-8-1910 communicated with President's No 148 of 3-9-1910, the erection of shops should have been postponed till after the completion of all the other buildings proposed by Mr Doddanna Setty His license application for these shops was returned to the President with this office No 1198 of 7-4-1910

Besides, the basement of his shops is about 2' above the road surface and some steps are necessary for its approach But there is no room to locate these steps unless they are placed on the road margin

Sd A V Desika Charya,
Municipal Engineer

"C O P Y"

for President

G.R.S. 26.]

File No. 155
Serial No. 14

Diary No. of letter replied to 5230

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT (Municipal)

Date of issue 27. 3. 11

Signed by [illegible]

READ—

Letter No. 1938 9-2-11 from the President Bangalore City Municipal Council, reporting with reference to the application of the Corporation of a set of shops by Mr. Jacobsahib Doddanna Setty in the line of the compound wall of his school that after obtaining the Health Officer's and the Executive Engineer's opinion he sees no objection to order the granting of the Licence applied for but that as Mr. Doddanna Setty's proposed

&c.

SUBJECT

could choose exactly the place where
should have put up a compound wall
ahead with the necessary order of Govt
the subject Govt sanction was
sought for in the matter that the
procedure laid down in Sec 92 of the Regn
was not adopted in this instance as it
is inapplicable in the case of public
institutions like Mr. Doddamadaiah's
school and as the latter was bound
the terms of the special agreement
executed by them at the time when
site was granted to them wherein
they agreed not to utilize the land
any other public purpose before
[illegible] from the Society

Order thereon 8004 mt 155=12 dt 22-3-

Recorded.

for Asst Engineer

11/2/73

The President, Bangalore City Municipal